

MINUTES OF THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

May 9, 1985

Councilors Present: Councilors Cooper, DeJardin, Gardner, Hansen, Kirkpatrick, Kafoury, Kelley, Myers, Oleson, Van Bergen, Waker and Bonner

Also Present: Rick Gustafson, Executive Officer

Staff Present: Don Carlson, Eleanore Baxendale, Doug Drennen, Dennis Mulvihill, Randi Wexler, Chuck Geyer, Gene Leo, Kay Rich, Vickie Rocker, Leigh Zimmerman, Peg Henwood, Andy Cotugno, Jennifer Sims, Ray Barker

Presiding Officer Bonner called the regular meeting of the Council to order at 5:35 p.m.

1. INTRODUCTIONS

None.

2. COUNCILOR COMMUNICATIONS

Councilor Van Bergen reported he had received an unsolicited book in the mail and was returning it to staff.

3. EXECUTIVE OFFICER COMMUNICATIONS

Washington County Transfer & Recycling Center (WTRC) Siting Process. At Executive Officer Gustafson's invitation, Doug Drennen reported that staff, as a result of input received from local special interest groups, had just completed work with the WTRC Advisory Committee to revise and define the siting criteria. Staff would now review the recommended sites, including the 54 sites initially identified, plus about 25 new sites. Mr. Drennen said all parties involved had commented the process was fair and the facility was needed. The perceived potential for traffic and sanitation problems, however, was a concern of many individuals. Therefore, he said, the revised criteria placed more emphasis on transportation and compatibility of the facility with its surroundings.

Mr. Drennen explained staff would make its recommendations to the Advisory Committee by the end of May. The Committee would then select final sites and public meetings would be held to receive additional input on those sites. The Committee would have a final recommendation for Council consideration in June, he said.

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Hawthorne Bridge Repair Project. Executive Officer Gustafson reported he and Andy Cotugno had received a letter from Jeff Larkins thanking Metro for its efforts in helping the City of Portland determine how traffic should be rerouted due to the bridge closure. Presiding Officer Bonner also thanked staff for their fine work on the project.

Recycling Legislation. The Executive Officer asked Dennis Mulvihill to brief the Council on the status of state recycling legislation as detailed in Mr. Mulvihill's memo to the Executive Officer dated May 9, 1985. Mr. Mulvihill first reviewed bottle recycling legislation and explained the Willamette Week article circulated to Councilors was an accurate report of activities in Salem on this issue. Regarding plastics recycling legislation, Mr. Mulvill thought SB 871, a bill that would offer tax credit for recycling plastic materials, had a good chance of being adopted. Finally, he reported SB 872 would require a surcharge on pesticide manufacturers. Proceeds of the surcharge would be used for a statewide education campaign on appropriate uses and disposal of pesticides and for a Metro administered, pilot collection project for hazardous waste materials.

Legislative Update. Executive Officer Gustafson reviewed the status of various legislation of concern to the agency. Regarding SB 662, modifying state landfill siting authority, the Executive Officer reported the bill continued to be amended but Committee support was very strong. The latest draft provided for no appeals of the Environmental Quality Commission decision, he said. The status of other legislation was explained in the Executive Officer Report and was distributed to Councilors.

4. WRITTEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

None.

5. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

Judy Dehen, 2965 N.W. Verde Vista, Portland, Oregon, representing the Columbia Group Sierra Club, addressed the Council regarding SB 662 which would modify state landfill siting authority. She said if the bill were adopted, the counties would be looking to Metro for technical assistance on solid waste alternative technology. Therefore, she urged the Council to step up its schedule for adopting the Alternative Technology chapter of the Solid Waste Management Plan. Executive Officer Gustafson agreed with Ms. Dehen and said a draft of the Alternative Technology chapter would be completed and made available to Councilors the following Monday.

6. APPROVAL OF MINUTES

Motion: Councilor Kirkpatrick moved to approve the minutes of the April 11, 1985, Council meeting. Councilor DeJardin seconded the motion.

Vote: A vote on the motion resulted in:

Ayes: Councilors Cooper, DeJardin, Gardner, Kirkpatrick, Kafoury, Kelley, Myers, Oleson, Van Bergen, Waker and Bonner

Absent: Councilor Hansen

The motion carried and the minutes were approved.

7. RESOLUTIONS

7.1 Consideration of Resolution No. 85-562, for the Purpose of Adopting the Annual Budget of the Metropolitan Service District for FY 1985-86, Making Appropriations from Funds of the District in Accordance with Said Annual Budget, Creating a St. Johns Methane Recovery Fund and a Building Management Fund, and Levying Ad Valorem Taxes

7.2 Consideration of Resolution No. 85-563, for the Purpose of Approving the FY 1985-86 Budget and Transmitting the Approved Budget to the Tax Supervising and Conservation Commission (TSCC)

Presiding Officer Bonner announced Resolution No. 85-563 would be considered for adoption at this meeting. After the budget was reviewed and certified by the TSCC, the Council would consider adopting Resolution No. 85-562 at the meeting of June 27, 1985. He then opened the public hearing on the FY 1985-86 budget. There being no testimony, he closed the public hearing and announced another hearing would take place on June 27.

Executive Officer Gustafson reported he supported the budget as recommended by the Metro Budget Committee and would address specific questions of the Council as each budget fund was reviewed.

Zoo Department. Presiding Officer Bonner explained the Budget Committee recommended the Zoo staff include an element in the FY 1985-86 work program to address the Zoo parking situation. Councilor Oleson asked staff to explain measures that would be taken to resolve the problem. Gene Leo reported staff were meeting with OMSI and Western Forestry Center directors and had requested the

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state to add a westbound freeway access ramp to Canyon Road. He also explained the City has been requested to consider accommodating extra traffic on the Sylvan interchange if the state did not satisfactorily address the freeway problem. In addition, some short-term solutions for this summer's traffic had been developed.

The Presiding Officer asked staff to respond to the Budget Committee's request that as part of the FY 1986-87 budget process, staff would develop specific measures to consolidate activities of Zoo and central Public Affairs functions in order to reduce program costs and increase efficiency. Mr. Leo said he and Ms. Rocker were meeting the following week to begin this work. The Presiding Officer stressed the importance of this matter and asked staff to report on specific actions that would be taken as soon as they were developed. Councilor Kirkpatrick added she had recently seen a bus poster for the Alaska Tundra Exhibit that had not identified Metro in the advertisement. Mr. Leo said he would investigate the matter.

Solid Waste Department. Councilor Hansen, Chairman of the Budget Committee, reported the Committee had discussed the need for flexibility in the Solid Waste Budget if priorities were to change. The major change recommended by the Committee was requesting the Waste Reduction promotional program plan be brought back to the Council for review before implementation funds were spent.

The Presiding Officer asked staff to explain the recommended budget note that would require providing funds to investigate the three siting options (1) performing engineering work on the Wildwood Landfill site if a permit were obtained; 2) additional appeals work if Metro were still involved in court proceedings; or 3) funding work to evaluate new landfill sites) simultaneously if it became necessary. After discussion, it was determined the three options should be better explained in the budget note. Councilor Cooper thought the Budget Overview document thoroughly explained the three options. Councilor Myers requested the budget note language be changed to refer to siting processes rather than siting locations.

Motion: Councilor Myers moved the budget note for the Solid Waste Landfill Siting Program be changed to read:
"In implementing the landfill siting program, provide funds for investigating the three siting processes simultaneously if it becomes necessary." Councilor Kelley seconded the motion.

Vote: A vote on the motion resulted in:

Ayes: Councilors Cooper, DeJardin, Gardner, Hansen, Kirkpatrick, Kafoury, Kelley, Myers, Oleson, Van Bergen, Waker and Bonner

The motion carried.

Councilor Van Bergen asked if funds were budgeted to inventory where hazardous wastes were buried in the landfill. He thought this was especially important due to future gas mining activities. Mr. Drennen explained staff conducted a special waste program to identify hazardous wastes. These wastes were also marked on landfill maps by the landfill operator and were periodically audited by staff. He said this procedure had been followed since Metro assumed responsibility for operating the St. Johns Landfill.

Presiding Officer Bonner asked staff to report on the proposed schedule for adopting the Solid Waste Management Plan. Mr. Drennen said staff were working to complete all technical work by July 1985. The draft Alternative Technology chapter would be available next Monday. Technical documents and policy issues regarding the Plan would then be reviewed by the public, based on a process adopted by the Council, and the Plan would be considered for adoption by the Council in April 1986, he said.

Intergovernmental Resource Center (IRC). Executive Officer Gustafson requested the Council amend the IRC budget by adding \$300,000 to Contractual Services, pending receipt of funds from local jurisdictions to fund a study on the regional convention center. He explained when the budget was prepared, it was unknown whether Metro would coordinate the receipt and disbursement of these funds. The Executive Officer also recommended transferring \$10,000 from Contingency to finance Metro's contribution to the study. He explained he would provide the Council with a revised budget for this transfer after the approved budget was returned by the TSCC.

Motion: Councilor Kafoury moved to accept the Executive Officer's recommendation to amend the IRC Contractual Services Revenue line item to \$437,760 and the Miscellaneous Revenue line item to \$85,087. Councilor Kirkpatrick seconded the motion.

Vote: A vote on the motion resulted in:

Ayes: Councilors Cooper, DeJardin, Gardner, Hansen, Kirkpatrick, Kafoury, Kelley, Myers, Oleson, Van Bergen, Waker and Bonner

The motion carried and the IRC budget was amended.

Councilors Hansen and Kelley explained a budget note recommended by the Budget Committee requested the Council consider making appropriate funds available to support cooperative regional park and telecommunications studies if funding commitments were made by other jurisdictions for either of those programs.

General Fund. Councilor Hansen reported the Budget Committee recommended adding \$2,300 to the Public Affairs advertising budget to finance more prominent meeting ads in newspapers. The Committee also requested staff actively pursue ways to consolidate Zoo and central office Public Affairs functions in order to improve efficiency and save money for the FY 1986-87 budget.

Jennifer Sims circulated proposed revisions to the Council budget. The budget totals were not changed, she said, but a more detailed classification of Travel, Meetings and Conferences and Contractual Services line items were provided. She said the Budget Committee had recommended approval of the changes.

Councilor Van Bergen requested staff review, for the FY 1986-87 budget, the possibility of increasing Councilors' per diem amounts and eliminating reimbursements for expenses without increasing the total amounts budgeted for both items. The Executive Officer thought this would be appropriate to review for the current budget year. Presiding Officer Bonner asked Ray Barker to review the per diem and expense procedures for other jurisdictions and to report findings back to the Presiding Officer.

Motion: Councilor Kirkpatrick moved to adopt Resolution No. 85-563 and Councilor Van Bergen seconded the motion.

Vote: A vote on the motion resulted in:

Ayes: Councilors DeJardin, Gardner, Hansen, Kirkpatrick, Kafoury, Kelley, Myers, Oleson, Van Bergen, Waker and Bonner

Absent: Councilor Cooper

The motion carried and FY 1985-86 Budget was approved for transmittal to the TSCC. The Resolution was worded to include all amendments to the budget made by the Budget Committee and approved by the Council.

Councilor DeJardin commended the Budget Committee for their fine work in reviewing the budget.

7.3 Consideration of Resolution No. 85-558, for the Purpose of Approving the FY 1986 Unified Work Program (UWP) and Consideration of Resolution No. 85-559, for the Purpose of Certifying that the Portland Metropolitan Area is in Compliance with Federal Transportation Planning Requirements

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Mr. Cotugno explained the two resolutions were budget-related in that a portion of the Transportation Budget dealt with the use of various federal transportation grants and would implement all of the budgeted transportation programs. The first resolution would authorize staff to apply to the Federal Transportation and Highway Administrations for the receipt of grant funds, he said. The second resolution certified the region was in compliance with federal requirements and would allow Metro to continue receiving grant funds. Mr. Cotugno reported one requirement was to maintain an updated five-year transit development program. Because this plan was currently out of date, he said the federal government could question future requests for transit funds.

Councilor Gardner asked if the failure to meet current Disadvantaged Business Enterprise (DBE) program goals could cause problems in receiving grant funding. Mr. Cotugno said he did not expect any problems because Metro could document good faith efforts in meeting DBE goals.

Motion: Councilor Kirkpatrick moved to adopt Resolution No. 85-558. Councilor Kafoury seconded the motion.

Vote: A vote on the motion resulted in:

Ayes: Councilors Cooper, DeJardin, Gardner, Kirkpatrick, Kafoury, Kelley, Myers, Oleson, Van Bergen, Waker and Bonner

Absent: Councilor Hansen

The motion carried and Resolution No. 85-558 was adopted.

Motion: Councilor Kirkpatrick moved to adopt Resolution No. 85-559. Councilor Kafoury seconded the motion.

Vote: A vote on the motion resulted in:

Ayes: Councilors Cooper, DeJardin, Gardner, Kirkpatrick, Kafoury, Kelley, Myers, Oleson, Van Bergen, Waker and Bonner

Absent: Councilor Hansen

The motion carried and Resolution No. 85-559 was adopted.

7.2 Consideration of Resolution No. 85-564, for the Purpose of Requiring Mandatory Prequalification for the Contract for Operating the St. Johns Landfill

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Presiding Officer Bonner explained this item had been considered at the meeting of April 25. The Council requested staff return to the Council with a list of members who would serve on the prequalification application evaluation committee and the specific criteria the committee would use in evaluating applications. Doug Drennen reported the material requested by the Council was included in the agenda materials. He then introduced Chuck Geyer, manager for the project. Mr. Geyer explained the materials in the agenda packet and reported that Ron Sonnerberg, Principal Engineer with the Bureau of Environmental Services, City of Portland, should be added to the list of evaluation committee members. The Presiding Officer said if the Resolution were adopted, he would appoint Councilor Cooper to the committee.

After Mr. Geyer explained the criteria for evaluation and the qualifications of the evaluation committee, Councilor Waker asked about the requirement that applicants must have the equipment available to perform the work. Mr. Geyer responded the appropriate equipment could be owned or rented but the applicant must demonstrate the equipment would be available. Councilor Waker requested the application be reworded to indicate equipment could be either owned or rented.

The Presiding Officer asked how staff would evaluate the solvency of bonding companies used by the successful bidder. Eleanore Baxendale said the prequalification form requested information about bonding companies applicants had used in the past. This would provide some indication of each applicants' experience and of how bonding companies assessed the quality of the applicants' work products, she said. The successful bidder would be given the opportunity to secure a bond but the contractor could be disqualified if that bond did not provide the kind of protection required by law. She said staff would have access to a list of state-rated bonding companies by which to evaluate these companies.

Councilor Waker asked if Metro were obligated to disqualify applicants who did not meet all the established prequalification criteria. Ms. Baxendale explained a company could technically be allowed to bid that did not meet all the criteria. However, she did not think this would happen because it would not be in Metro's best interests to allow unqualified companies to bid on the project.

Councilor Hansen, referring to Criteria "D," asked if a company could be rejected for one breach of a previous contract. Ms. Baxendale replied that although the criteria seemed to imply several breaches must exist, an Attorney General's opinion interpreted this criteria to mean that one breach of contract could disqualify an applicant. She said the evaluation committee could exercise judgment to determine how serious a contractor's past actions had been.

Motion: Councilor Kirkpatrick moved to adopt Resolution No. 85-564. Councilor Kelley seconded the motion.

Councilor Van Bergen asked how many applications staff expected to receive. Mr. Geyer said 14 prequalification applications would be distributed by staff and an advertisement for the project had been placed in a national publication. Staff estimated about six applicants would be qualified to bid on the project.

Vote: A vote on the motion resulted in:

Ayes: Councilors Cooper, DeJardin, Gardner, Hansen, Kirkpatrick, Kafoury, Kelley, Myers, Oleson, Waker and Bonner

Nay: Councilor Van Bergen

The motion carried and Resolution No. 85-564 was adopted.

8. ORDINANCES

8.1 Consideration of Ordinance No. 85-188, Relating to Public Contracting Procedures and Amending Code Section 2.04.030 (i)

Presiding Officer Bonner announced he was removing this item from the agenda and that it might be considered at a later date.

9. OTHER BUSINESS

9.1 Consideration of Resolution No. 85-571, Stating Policies Relating to Alternative Methods of Solid Waste Disposal and Siting of a General Purpose Landfill

The Executive Officer explained the Resolution reiterated past policies adopted by the Council including: 1) the Council would continue its investigation of the Solid Waste Management Planning process of alternative disposal methods; 2) the Council would develop ways as part of that process to receive full public review and would cooperatively respond to and, if feasible, implement those waste disposal proposals; and 3) the Council had recognized the need for a long-term general purpose landfill site as an integral component in any comprehensive waste disposal system. He said the reiteration of policy would be useful in working with Legislators for the passage of SB 662.

Motion: Councilor DeJardin moved Resolution No. 85-571 be adopted. Councilor Kirkpatrick seconded the motion.

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Councilor Gardner agreed with the Executive Officer's recommendation, stating the Resolution could help remove any mistrust that might exist about Metro's intentions for supporting SB 662. He found it difficult to perceive, however, that Metro's support of the bill could be interpreted as a device for siting a landfill at Wildwood.

Vote: A vote on the motion resulted in:

Ayes: Councilors DeJardin, Gardner, Hansen, Kirkpatrick, Kafoury, Kelley, Myers, Oleson, Van Bergen, Waker and Bonner

Absent: Councilor Cooper

The motion carried and Resolution No. 85-571 was adopted.

10. COMMITTEE REPORTS


Multnomah County Solid Waste Task Force. Councilor Gardner reported the Task Force was currently reviewing proposals for alternative waste disposal methods. The Task Force would then prepare recommendations for landfill siting criteria, the siting process and alternative technologies. He also reported the Task Force was unable to take a consensus position on SB 662.

Committee for Accessible Transportation. Councilor Kelley distributed an interim report prepared by the Committee. She said Metro's transportation role would be stronger in the new fiscal year and the need for someone to provide a plan for accessible transportation would be very important. She urged Councilors to read the report with this in mind.

Convention Center Task Force. Presiding Officer Bonner said the Task Force had established an ambitious schedule for meetings leading up a decision about the type of facility that should be funded. That decision would be made in July and the public would be asked to vote on funding the facility in May or November of 1986, he said.

There being no further business, Presiding Officer Bonner adjourned the meeting at 7:30 p.m.

Respectfully submitted,



A. Marie Nelson
Clerk of the Council

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